



# Town of New Windsor

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TOWN CLERK'S OFFICE

## OFFICE OF THE PLANNING BOARD

WEDNESDAY - MAY 8, 2002 7:30 PM

### TENTATIVE AGENDA

#### CALL TO ORDER ROLL CALL

APPROVAL OF MINUTES DATED: MARCH 13, 2002  
MARCH 27, 2002  
APRIL 10, 2002

#### ANNUAL MOBILE HOME PARK REVIEW:

- a. Paradise Mobile Home Park - Rt. 9W

#### POSSIBLE Z.B.A. REFERRAL:

1. YONKERS CONTRACTING CO., INC. LOT LINE CHANGE (02-11) RUSCITTI ROAD (CARTER)

#### REGULAR ITEMS:

2. FIRST COLUMBIA SUBDIVISION (02-200) PARCEL "H" (BETTE) 2-Lot Commercial Subdivision
3. DANIEL SEARING LOT LINE CHANGE (01-35) RIVER ROAD (VALDINA & MARTI)
4. DANIEL SEARING SITE PLAN (01-36) RIVER ROAD (VALDINA & MARTI)  
Proposed construction of commercial building for office/material storage use.
5. WINDSOR WOODS - SECTION 6 SUBDIVISION (02-10) OLD HEMLOCK DRIVE (SHAW) 4-Lot Residential subdivision for single family homes

#### CORRESPONDENCE

6. SDL DEVELOPMENT CORP. (BENEDICT POND SUBDIVISION) (93-2) Request for building permit on original lot for model home (Lary)

#### DISCUSSION

#### ADJOURNMENT

(NEXT MEETING - MAY 22, 2002)

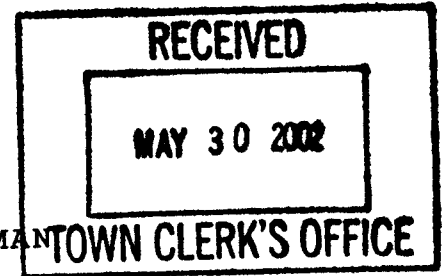
May 8, 2002

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TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 8, 2002



MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
RON LANDER  
JERRY ARGENIO

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN  
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call the May 8, 2002 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: We have two absent members, three constitutes a quorum. If we do a roll call, you're going to have to have all three carry the vote. If you don't want to be here tonight for some reason, exit now.

APPROVAL OF MINUTES

MR. PETRO: Approval of minutes dated March 13, 2002, March 27, 2002 and April 10, 2002.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt the minutes as written. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

SARIS MOBILE HOME PARK - UNION AVENUE

Mr. Saris appeared before the board for this proposal.

MR. PETRO: Seems like you were just here, didn't we just do something with him? That cleaned up the old one, this is a new one again?

MR. SARIS: Yes, I was little late last time.

MR. PETRO: Any comments from your department, Mike?

MR. BABCOCK: No, we were there, everything's fine.

MR. PETRO: \$100 for the Town of New Windsor.

MR. SARIS: Yes.

MR. PETRO: Motion for one year extension?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Saris Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

POSSIBLE Z.B.A. REFERRAL:

YONKERS CONTRACTING CO., INC. LOT LINE CHANGE (02-11)

Mr. Richard Carter and Paul D. Sirignano, Esq. appeared before the board for this proposal.

MR. CARTER: Our parcel constitutes this area here and across, the current lot line cuts across in this fashion and then I am creating an L-shape and our intention is to bring this across here and down, therefore creating this as a larger parcel and this as the secondary parcel.

MR. PETRO: Two questions right off. One would be you're creating a new lot line so your rear yard setback is 15 feet, Mark, in this zone?

MR. EDSALL: No, his rear is 22.4 that he's providing. The 15.5 is a side yard.

MR. PETRO: Secondly, the use of this building, what are you going to be doing with this building?

MR. CARTER: Currently that's a maintenance structure for this facility.

MR. PETRO: Once you create the new lot, what zone is this in, Mike?

MR. BABCOCK: PI zone, Mr. Chairman.

MR. PETRO: So my question is is this use in this building going to continue to be permitted use in that zone on the new lot?

MR. BABCOCK: No, that's why he needs a referral to the ZBA, as far as we we're concerned, Mr. Chairman, at the present location with the complete operation, it would be an accessory use to the operation and we feel that's not a problem but standing on its own now it's no longer an accessory to something.

MR. PETRO: So what kind of relief are you going to be

looking for?

MR. CARTER: Use variance.

MR. PETRO: Use variance, no other way to get around a use variance? What other--that's about it, right?

MR. BABCOCK: Not to continue that use.

MR. EDSALL: There's no problem with the lot line change if a permitted use was established in that lot, number one, but to continue that use that's where the problem is developed.

MR. PETRO: We can still do a lot line change if the building became vacant and then whoever went in the building had to conform with the PI zone, we can certainly do that.

MR. CARTER: Can you still do a lot line change considering we own both parcels, if we were to divest ourselves of this, we would then not be able to operate until we had a variance.

MR. PETRO: That's a little more messy, I think we should we should do it in order.

MR. EDSALL: Difficulty comes in if you approve the lot line change without sending it to the ZBA. The instant the lot line change is in effect, the building inspector has no choice but to issue a violation so this is a little cleaner.

MR. PETRO: Vacate that building. Now, obviously, you want to continue the use that they're using, so my whole plan is full of--okay, motion for final approval?

MR. LANDER: So moved.

MR. ARGENIO: I just want to say something before I vote and I'm going to ask Andy about this, I'm a minority shareholder in Hudson Valley Asphalt, which is next door and Argenio Brothers, which is next door. While I won't refrain from commentary on this because I have knowledge and information on both sites, I believe

I should do the same thing that I did with Stephenson Lumber, which is our neighbor on the other side when they came in front of this board and that is I abstained and I don't, I don't want to be the one to create a problem but that's what I did with Stephenson, I think that's fair. I didn't refrain from any commentary from Stephenson and I won't here, but I think the fair thing to do is to abstain.

MR. PETRO: Counsel?

MR. KRIEGER: I think it's a decision that ought to be made and is the proper decision cause if it were to, if it were to go to court, which I don't anticipate it happening, but if it were, his vote would be tainted.

MR. PETRO: How would it be tainted, just so I know?

MR. KRIEGER: Because he's a neighboring property owner and he's considered to have an interest, presumed to have an interest.

MR. ARGENIO: This even goes to the next level in that what Andy said is accurate for Stephenson's and Yonkers Contracting, additionally the firm of Hudson Valley Asphalt, which I'm a minority shareholder is in direct competition with Plaza Materials, which is a division of Yonkers Contracting and operates the asphalt plant next door. Mr. Chairman, I don't want to muddy the waters, but I think it's the fair thing to do unless counsel were to firmly instruct me differently.

MR. KRIEGER: No, and counsel will not, being as you have now disclosed the competition status that you're right, that's an even more compelling argument.

MR. CARTER: We don't have a problem with that.

MR. PETRO: That's my point a hundred percent, if the person sitting on the planning board was hindering the applicant, I can understand it. But in this case, we're forwarding them by sending them to the zoning board, who in their right mind would construe that as being a problem?

MR. SIRIGNANO: To the extent that he's disclosed the relationship, if we don't have any objection, I don't think there's a problem.

MR. PETRO: I agree with this fella here.

MR. EDSALL: Wouldn't an abstention not make the motion not pass anyway? So it still works.

MR. KRIEGER: Motion for final approval and he abstains if you don't have three affirmative votes.

MR. EDSALL: They're going to the ZBA anyway.

MR. KRIEGER: So what I'm saying is the abstention--

MR. PETRO: He still has to make the second.

MR. KRIEGER: Yes.

MR. ARGENIO: Didn't hear what you said.

MR. PETRO: I said that you still needed to make the second.

MR. PETRO: We have a motion for final approval and I need a second, so you can't abstain from that, you can abstain from voting.

MR. ARGENIO: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Yonkers Contracting Company, Inc. lot line change on Ruscitti Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	ABSTAIN
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances.



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If you can, if you're successful and receive those variances, place them on the map and if you wish to appear before this board again, we'll see you then.

REGULAR ITEMS:

FIRST COLUMBIA SUBDIVISION (02-200)

Mr. Chris Bette appeared before the board for this proposal.

MR. PETRO: What are we doing today?

MR. BETTE: Route 207 is to the right of your drawing, the airport would be to the left side of the drawing. We're asking this board to allow subdivision of Parcel H, which Parcel H is a roughly 128 acre parcel which is bounded by this green and pink line, you can see the green. We're asking the board to allow us to break that into two lots, lot 1 being 32 acres, lot 2 being 95 acres and we're reserving a small 60 foot wide strip for future connection to the Hudson Valley Avenue down towards Avenue of the Americas. Parcel one, the primary use is going to be commercial offices, parcel two being a large parcel will be a combination of commercial and corporate residents.

MR. BABCOCK: Chris, that's one lot because the extension is not there for the, where the loop road is, right?

MR. BETTE: Correct, when the parcels were, I guess when the lot parcels were created when the town took the property over from the military, there was no connection to these roads and whatever was bounded by the roads was considered the parcel.

MR. BABCOCK: Right, just for the board members' clarification, actually what happens is in between each road section was a lot created.

MR. BETTE: Correct.

MR. BABCOCK: Since there was no connection where the brownish or orangeish loop is that became one lot and that loop part of that loop or most of it is coming out, that's where Lightron is being built now and then that road will connect and go straight through.

MR. BETTE: Correct.

MR. PETRO: Does anybody have an actual problem with the subdivision? Okay, motion for lead agency.

MR. EDSALL: I don't think at this time you can take lead agency because if you could bear with me a moment, the board had indicated that the next application that was before the board would be an appropriate time to look at the development of the overall parcel and deal with the potential environmental impacts. Notwithstanding the fact that this is Parcel H of the overall property, this is part of one property which constitutes the New York International Plaza, I think this would be an appropriate time for the board to open the SEQRA process as has been discussed with the applicant and look toward a total evaluation of the impacts such is that all those impacts can be coordinated with the various agencies that are involved and give the applicant the benefit of having findings and conclusions to work off of on all subsequent applications. So, based on that, it's my suggestion that you treat this as an application involving the total New York International Plaza and consider adopting a resolution that would indicate your intent to be lead agency and also your indication that should you become lead agency, you plan on working with the applicant and declaring a pos dec so that you can have an environmental impact statement prepared.

MR. PETRO: You want us to have a motion to show our intent to become lead agency?

MR. EDSALL: Intent to become lead agency and noting that should you become lead agency, you believe that it would be appropriate once you type this action that it is an all likelihood that you would pos dec it and move forward with an environmental impact statement and then I would work with Chris and his attorney to have a circulation to that effect made so that we can properly go through all the steps.

MR. PETRO: You're going to do the circulation once we make the intent?

MR. EDSALL: Yes and we'll note what your belief that it's heading, so the other agencies would understand what's going on.

MR. PETRO: Okay.

MR. ARGENIO: I agree.

MR. PETRO: Motion to have an intent to become lead agency so Mark can circulate the necessary paperwork.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare their intent to become lead agency for the First Columbia New York international Plaza and I guess everything else I had just said so I'm not going to say it again. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I guess Chris once you get together with Mark and get the letter of our intent to become lead agency and do a pos dec and everything else, I guess we'll see you again, right?

MR. BETTE: See me again and again and again.

MR. PETRO: See you again somewhere.

MR. BETTE: Thank you.

DANIEL SEARING LOT LINE CHANGE (01-35)

Mr. Craig Marti appeared before the board for this proposal.

MR. PETRO: This is a lot line change. Application involves lot line change between the two referenced parcels, both of which are understood to be owned by Mr. Searing. The application was previously reviewed at the 9 May, 2001 planning board meeting. PI zone and the current properties have an existing residence and commercial building located on the northerly lot and the setbacks are noncompliance as they exist. The application will be referred to the ZBA at the May 2001 meeting. What happened at the ZBA?

MR. MARTI: We basically got the variances which we were requesting, that being the continued non-conforming use of the residential structure with the revised building or with the revised lot area and the setbacks as indicated on the plan which has been resubmitted and with regard to lot 2, we needed a lot width as measured at 9 front yard setback distance, the flag portion of the lot and that variance was granted as well.

MR. PETRO: Are they on the map?

MR. MARTI: There's a general note indicating that the proposed lot configurations are in accordance with the variance. I understand Mr. Edsall's requested, recommended that they be added more defined and that that would be, that's no problem. The two lots basically as they have been as indicated on the map, the green lot is the existing lot line, the orange lot or the orange interior line is the revised line, it differs from the prior plan submitted to the planning board in that the prior lot, proposed lot line basically separated the residential structure from the existing wood frame garage. By having this lot line basically where the row of maple trees are, we thought it would be a natural delineation point where there was a row of trees. The ZBA was not comfortable with the amount of area dedicated to the residential use, so we made it more conforming with the area in size so there

was less change in the lot area. The Zoning Board of Appeals was comfortable with that and granted the variance based on that configuration.

MR. PETRO: What's the purpose of the lot line change?

MR. MARTI: Make this lot, as I discussed with Mark at the initial workshop session, the shape is a rather odd shape with a lot of non-conforming widths and setback and area as well as the existing non-conforming use. We felt it would be more appropriate that in conjunction with the development of lot 2 we were to clean up the oddities associated with the residential lot, make it a more traditional looking lot and then move forward with the lot line change and subsequent development of the second lot.

MR. PETRO: You had a public hearing at the zoning board for this?

MR. MARTI: Yes, one neighbor was present, he had no comments during the hearing, at least one that I know of, he made a comment to me as I was leaving, indicated he just came to see what it was about, had no comment with regards to the proposal.

MR. PETRO: Lot area for number one which is in the bulk table, is that the net area with the easement subtracted?

MR. MARTI: Yeah, the zoning table shows 30,606 square feet with a note asterisk and in the noted area there's an indication directly above the zoning table showing 29,547 which is the area without counting the easement area.

MR. EDSALL: Yeah, just so the record is clear, that number was there when the ZBA approved it, so they were aware of the subtraction.

MR. MARTI: Yes.

MR. PETRO: Both curb cuts are existing, I know that for a fact. The board should determine if this should be forwarded to the New York State DOT or if this

should be part of the site plan application. Why would we send it there?

MR. LANDER: Well, part of the site plan application, not in lot line change.

MR. EDSALL: I'm not looking to suggest that you do send it, I just want, because of some recent issues and discussions with DOT that it be considered. The record as you noted is clear, that both driveways exist. By approving the lot line change, you're approving the change in use so at that point, I think you may want to conclude that you need not send it for the lot line change but you'll consider it separately as part of the site plan.

MR. PETRO: As far as public hearing is concerned, gentlemen, for this lot line change, it has been to the zoning board, they had a public hearing there, it's very minor in nature. Motion to waive the public hearing?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Searing lot line change. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the

New Windsor Planning Board declare a negative dec under the SEQRA process for the Searing lot line change on River Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: We have fire approval on 5/3/02. Do either of the board members present have any further comment?

MR. LANDER: No.

MR. ARGENIO: I have nothing.

MR. PETRO: Motion for final approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Searing lot line change on River Road, subject to the variances granted by the New Windsor Zoning Board be added to the map in more detail. Got that, Mr. Marti?

MR. MARTI: Yes.

MR. PETRO: With that, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE



DANIEL SEARING SITE PLAN (01-36)

Mr. Craig Marti appeared before the board for this proposal.

MR. PETRO: Proposed construction of the commercial building for office and material storage use. This application is a followup of the lot line change that we just did which involves proposed construction of a commercial building on the site. The plan was previously reviewed 9 May '01 planning board meeting. The bulk table on the plan appears to be both complete and correct. The variances recently obtained are appropriately indicated. The building has increased in size from 2,400 feet, what do we have now?

MR. MARTI: Building is 60 by 75, roughly 4,500 square feet, slightly under 5,000, in that range.

MR. PETRO: Why don't you make a presentation?

MR. MARTI: Yes, as Mr. Petro explained, it's a followup to the lot line change, we're basically proposing the development of lot 2 on the lot line plan to include an office and storage building. The building will basically be a 75 foot pole barn type of structure with a small office carved out of the corner. Mr. Searing plans to continue the use of the area for construction business. The area in front of the building will be utilized for storage of construction equipment, materials, much like it's currently utilized in his operation utilizing the combination of the two lots. The plan shows a construction of an eight foot or I'm sorry, six foot stockade fence along the front portions of the storage areas and along the area which possibly can be seen from the road. The area sits substantially higher than the roadway, it's in an area where visibility is relatively minimal, as far as the impact of the materials and the storage area upon the neighborhood, in my opinion, it was a relatively minimal plan. With regards to the surrounding of the area, we felt that the screening, visual screening was more critical. It's not a residential area. There's very little foot traffic which would be neither a concern of Mr. Searing's towards potential vandalism or

safety concern with regard to anybody wandering through the area. The proposal is to utilize the existing gravel driveway, continue the driveway around to the front of the building, provide access to the front of the building and use the area for the stockpiling and storage of construction material. The water line, water and sewer would be served by municipal facilities. There's an existing, an easement which was provided in the lot line change to utilize an existing water shut-off valve which was involved with the original water main construction to be located in this area and then the sewer would be served by municipal sewer on the highway as well.

MR. LANDER: Are we going to have the general public coming to the office, do you know?

MR. SEARING: No.

MR. LANDER: Just going to be your office for the excavation?

MR. SEARING: Right.

MR. LANDER: You have to go to DOT with the entrance in the front.

MR. MARTI: That's my understanding, based on Mark's comment and some recent changes. What I'd like to do with regards to that, if possible, have the board consider the addition of a note indicating that the construction of any entrance would be subject to DOT, conditions of the DOT permit and then basically make that note a condition the board may consider.

MR. PETRO: There's a large hill in the back, I guess he took it out.

MR. MARTI: No, the hill basically starts, the contour lines, contours are rather faint on the plan, but there's an area where it comes uphill, flattens off in the area where the building is proposed currently flattens off and then the large hill is basically along the back of Mr. Searing's property, it's a rather substantial hill and the neighboring parcels which

front I believe it's 9W on the other side are substantially removed from the project area by the change in topo.

MR. PETRO: The fence is 6 foot high, I don't see any problem with that, Mark, the fence you said is separating the commercial and residential property, he has it as 6 foot, I think that should be sufficient.

MR. EDSALL: I have no question about the six foot. My only point is that the code uses the terminology surrounded and I'm just cautioning you about setting a precedent.

MR. PETRO: All the way around the whole property line?

MR. EDSALL: No, the storage area in the code says any outside storage areas have to be surrounded.

MR. MARTI: The concern we had in discussing that with the applicant was the nature of the materials stored, the nature of the neighborhood, we felt that it would provide greater flexibility for him to stockpile different materials and store equipment and have access via three sides versus being completely surrounded, if it was to completely surround it to meet the intent of the wording or to meet the wording of the law, we would probably indeed end up fencing the whole area.

MR. PETRO: I think it wouldn't be a hundred percent conducive to the operation and everybody knows this site, Mr. Searing has definitely cleaned up the site and you have an oil company on the side, I think the fence just blocking off the residential area in the front should be sufficient.

MR. ARGENIO: What business is he engaged in?

MR. PETRO: Excavating.

MR. LANDER: Is there going to be a gate across the drive or still remain open?

MR. MARTI: I haven't shown a gate, I'm sure if the board makes it a condition of approval, I will be able

to talk him into that.

MR. LANDER: I'm just thinking out loud, instead of having the fence go all the way around, the fence would suffice if it just crossed the road, it could keep the people out. I know what the intent is to surround that, but once you put anything around that, it's hard to work in. I know from River Road back, I know Danny's property, I don't know back that far, but I know where he's got it cleared to and as far as the existing gravel drive just for me, all you've got to do is go back to what the DOT requires for the type of operation he's going to have.

MR. PETRO: I think you have some screening on the south side.

MR. LANDER: Existing trees now?

MR. MARTI: Yes, there's trees along the south property line are existing as well as the large 12 inch maple trees located between the house and the garage and it was our feeling that the house, the garage and then subsequently the fence area would act as a visual barrier there.

MR. PETRO: In the rear you have the huge hill, so I don't know what he'd put there, as far as screening, it's a natural screen really.

MR. ARGENIO: Are the roads going to be paved, the driveway?

MR. PETRO: No, whatever DOT requires for their area.

MR. LANDER: Unless you have a different outlook on that.

MR. ARGENIO: No, I don't. What's going through my mind is Imageland two weeks ago.

MR. PETRO: There is no public here, it's strictly for his use. I think that's the big difference, there's no public at all.

MR. BABCOCK: He's going to have to have some blacktop parking, he's got to provide handicapped parking spots, even if it's for an employee.

MR. PETRO: We have to show--is that next to the building?

MR. BABCOCK: Yes, what he's going to have to do is tell us the size of the office area and then, you know, based on whatever's left is storage for a parking calculation.

MR. LANDER: Is it all calculated on the total square footage of the building?

MR. BABCOCK: Office and storage use for the balance.

MR. EDSALL: Mr. Chairman, it may make sense only because of, I'm sure DOT may ask for it, but with the type vehicles that are going in and out, normally, you have a tracking pad, at least pave so many feet in off the road. And I believe the well driller, he did the same thing, made him pave in and provide paved parking. But because of the construction type equipment, there was no sense to pave the balance, you allowed it to be gravel.

MR. PETRO: He's going to need two spots up along the building and pave 50 or 100 feet in.

MR. EDSALL: That would be the fair application of what the spirit of the law is.

MR. BABCOCK: Actually, if the parking up by the building basically if he can get it arranged so you can get some way of access to the main front door, so if a handicapped employee could get in the building, that's the way you'd want to lay it out.

MR. MARTI: I would envision the office being in the front portion, we can pave the tracking pad whatever distance you'd like, as far as the entranceway from the DOT highway and have a paved pad with access to the front door for the office, you know, adjacent to the office portion of the building.

MR. EDSALL: Looks like the northeast corner it's fairly flat, you don't have a drainage swale in that area, might be able to have a side entrance, it might work very nicely.

MR. MARTI: Our main concern is to not pave the entire area because of the type of operations and the, for the storage area that would be detrimental.

MR. PETRO: Whatever's required for ADA for the handicapped, I'm just guessing, probably two spots. How far in for the paving?

MR. EDSALL: I think a hundred feet is fine.

MR. PETRO: How far back is the whole thing? We don't want to leave three feet.

MR. MARTI: We're 400 feet back, site's a substantial distance, so if we pave the first hundred feet, an area here, I have no objection, sounds reasonable to me.

MR. PETRO: Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that The New Windsor Planning Board declare itself lead agency for the Searing site plan on River Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Let's talk about a public hearing again for the site plan again I'm going to ask the applicant you had one at the zoning board?

MR. MARTI: Yes.

MR. PETRO: Anybody show up?

MR. MARTI: No, couple people in attendance, but no one made any comments regarding the application.

MR. LANDER: Who was in just recently just down the road, oil company?

MR. PETRO: For the storage tank.

MR. LANDER: Same issue here or no?

MR. PETRO: It was a special use permit, it was mandatory. He just had one at the zoning board.

MR. MARTI: Some time ago, we just received the paperwork from the Zoning Board of Appeals, the meeting was some time ago.

MR. PETRO: Within the last six months?

MR. MARTI: Yes.

MR. LANDER: Poll the board. Only two here, so, okay, you?

MR. ARGENIO: Funny you should ask.

MR. PETRO: Not too many other ones to poll.

MR. ARGENIO: I'm not familiar with this site.

MR. LANDER: What's next door on the south side?

MR. SEARING: Affron lot, that's ACS, I guess.

MR. BABCOCK: Is that where we're putting the new tank or the, have the tank they're going to re-put into operation?

MR. PETRO: You're right, that's where it is.

MR. BABCOCK: I think it is and that you guys has allowed them the access drive to be gravel, just the

entranceway.

MR. EDSALL: Very similar approach.

MR. LANDER: Next is Sun Oil Company across the road.

MR. MARTI: Basically across from the old Lightron building.

MR. BABCOCK: This also had a public hearing at the zoning board, as you talked about and the public hearing, basically, when it was sent out to everybody was for the lot line change, so everybody's aware of what's going on in this facility, they weren't doing the lot line change not to build the building, that's why they're back to back.

MR. PETRO: I don't think we need it, so I'll entertain a motion to waive.

MR. ARGENIO: Motion to waive the public hearing for Searing site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Searing site plan on River Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO                    AYE

MR. LANDER                    AYE

MR. PETRO                    AYE

MR. PETRO: Motion for negative dec.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under



the SEQRA process for the Searing site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I think it's got to be sent to DOT, number one, you're going to have to revise the plan to show the 100 foot of blacktop in the front, to show the handicapped parking around the building. We had discussed the fence, I don't know how far that went going across the road a gate or a fence.

MR. MARTI: I would propose that the fence be continued in the same alignment.

MR. PETRO: That's what Ron said, like a natural, and by doing that, we can forego the rest of the fencing around the parking. I don't think you need that. I don't think I left anything off, but I'd like to see if you can get that done, that's quite a few subject-to's, unless you think it's far enough, Mark?

MR. EDSALL: I think it's far enough. The difficulty is that we have been reminded by DOT that they're very much against the board approving applications if they haven't seen them.

MR. PETRO: Why don't you get it off to DOT and we'll put it on the next agenda.

MR. EDSALL: Once the plans are corrected, Craig can get me copies, I'll ship it over. DOT's not accepting plans, submittals from applicants, it has to be from the town.

MR. MARTI: That's Mr. Burns?

MR. EDSALL: Yes.

MR. PETRO: Thank you.

WINDSOR WOODS - SECTION 6 SUBDIVISION (02-10)

Mr. Gregory Shaw from Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Windsor Woods Section 6 subdivision Old Hemlock Drive represented by Mr. Shaw, 4 lot residential subdivision for single family homes. Application involves subdivision of 2.55 acre parcel into four single family residential lots. The plan was previously discussed at the 24 April 2002 planning board meeting. This is the one we're going back and forth on whether it was grandfathered or not, right?

MR. SHAW: Correct.

MR. PETRO: What's up? Why, how come you left and now you're back? What did we do?

MR. SHAW: Because at that time I had not submitted an application, it was under discussion. And what I have done subsequent then is submit an application for a 4 lot subdivision, a minor subdivision on Old Hemlock Drive. With this subdivision, we're taking one approved lot and creating 4 lots out of it, 3 additional lots. There are no public improvements involved with this subdivision, all of the improvements for Old Hemlock Drive extension were part of approved subdivision of Section 3, 4 and 5 which this board previously approved. This is Section 6, this is the last section for the subdivision. With respect to sewer capacity, I faxed over to your consulting engineer today a copy of the agreement of the early '90's where capacity was purchased for a total of 31 lots. I may point out that Sections 3, 4 and 5 constituted 28 lots of which this was one of them and therefore, you have 28, 30, 31, so you have documentation in your file that capacity is available for these additional three lots. Again, as I said, it's a minor subdivision. This board spent an inordinate amount of time back in the '90's with respect to subdivision approval for the overall parcel of Windsor Woods. These three lots were indicated on the preliminary subdivision plans which this board granted twice, these three lots were part of your SEQRA

process, okay, so it's my position to this board tonight that what we have is a minor subdivision with the SEQRA process closed having already been granted preliminary subdivision approval on this piece, the only regulatory agency involved is the Orange County Department of Health because they require on any subdivisions that they approve that any additional subdivisions have to come under their review. So we're going to have to go out to the health department. So what I would ask the board tonight would be to waive the public hearing cause we had one already and to possibly consider granting conditional final approval for this minor subdivision to allow me to go out to the health department and then when I come back with stamped drawings from the health department, this board would stamp it.

MR. PETRO: Preliminary final?

MR. SHAW: Conditional final.

MR. BABCOCK: Greg, the conditional final would be because of health department.

MR. SHAW: Correct. There was no health department involved. I would be asking for final tonight but because the health department requires us to go back out and see them just for these 3 additional lots.

MR. LANDER: Everything else is in order, Mr. Chairman?

MR. PETRO: Lead agency and the SEQRA is part of the original subdivision, so we don't need it again for this?

MR. EDSALL: Yeah, I hate to agree with Greg, but I have to. It's one of those situations where all this was included in your preliminary, public hearing was included in your SEQRA determination, they lost the lots as part of their final approval from the County Health Department. So you have already had a public hearing, you have already done SEQRA, I think Greg's a hundred percent right, it's a situation where he's just coming back for final on this piece.

MR. PETRO: Not a hundred percent because he asked us to waive a public hearing, therefore, we don't have to do that.

MR. EDSALL: You have to acknowledge you had the public hearing and there's no need for another one.

MR. PETRO: We just did that. Motion for conditional final approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant conditional final approval for the Windsor Woods subdivision Section 6 Old Hemlock Drive off Riley Road. Is there think further discussion so he can go to Orange County Department of Health then appear before this board again?

MR. SHAW: Is it necessary to come back before this board?

MR. PETRO: You have conditional final approval.

MR. BABCOCK: The condition is that if he gets Orange County Health Department approval, then he gets a stamped plan. If he's not successful there, then he doesn't go anywhere.

MR. EDSALL: As was indicated, there's no public improvements so he'll have just the normal approval fees, no public improvements, no inspection fees, nothing of that sort.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

CORRESPONDENCE

SDL DEVELOPMENT CORP. (BENEDICT POND SUBDIVISION)  
(93-20

MR. PETRO: I respectfully request that you consider issuing a building permit for one model home for the 7 lot subdivision known as Benedict Ponds Estate II. As I am sure you're aware, we're in the final stages of the process and hope to be completed within a few months. I understand that no C.O. will be issued until the map is filed and all conditions are met. Thank you for your consideration in this matter. Frederick Lary, L-A-R-Y.

MR. EDSALL: Mr. Chairman, Mike and I have discussed the request and just for the record, Mr. Lary has been working very cooperatively with the town on the purchase of a piece of excess town property and worked with us, cooperated, relative to the town paving Dean Hill Road and finishing what this board started probably 20 years ago, which is try and straighten out Dean Hill Road. So he's been very cooperative and I would, based on Mike and I reviewing the matter, we would suggest that you approve it, but subject to verification of the availability of connections for the utilities, we're just not, we want to make sure that the water and sewer are available for tie-in, that there's no restrictions.

MR. LANDER: When is he going to file the map?

MR. BABCOCK: He's in the process of doing, the bonds, and I understood from Myra--

MR. EDSALL: What's happening also is because the final plan is contingent upon the sale of properties with the town from the town to him, that process is still ongoing as well.

MR. LANDER: Is this normal?

MR. EDSALL: Is what normal?

MR. BABCOCK: If he had came to me and asked for a

building permit before he started the subdivision approval, he would have one right now.

MR. LANDER: He can build one house.

MR. BABCOCK: Since he started the process and there's some sewer and water connections and property changes from the town, straightening roads out, I thought it would be best that he comes here.

MR. EDSALL: Obviously, the one house cannot be placed so that it's on the lands that have not been transferred from the town, has to be placed on lands he already owns so if the subdivision never went through, he's got one building on his property.

MR. PETRO: You look ten years younger. You guys handle it, I don't think we have any problem with it.

MR. EDSALL: Okay.

MR. PETRO: Motion to adjourn.

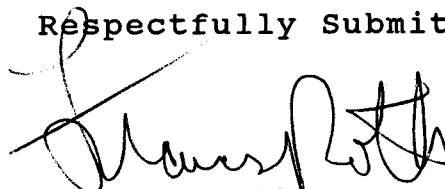
MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer